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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,888	03/31/2004	Mihai Florin Ionescu	24207-10109	5760

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MOUNTAIN VIEW, CA 94041

EXAMINER
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ROSE, HELENE ROBERTA

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,888	<b>Applicant(s)</b> IONESCU, MIHAI FLORIN	
	<b>Examiner</b> Helene Rose	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-24 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-24 and 26-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/27/04</u> . | 6) <input type="checkbox"/> Other: _____  |

#### Detailed Action

1. In response to communication entered on 1/18/2007, Claims 1, 3-4, 24, 26-27, and 47 are amended. Claims 2 and 25 were cancelled. No claims were added.
2. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

#### Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/27/2004 was filed after the mailing date of the application on 3/31/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### Claim Rejections – 35 U.S.C § 112

4. In view of Claim 24 being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner withdraws the pending rejection, due to an "oversight".

Claim Rejections – 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 24 and 47 (and its dependencies where applicable) are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 24, and 47 (and their dependent claims, where applicable) doesn't not seem to be a practical application producing a useful, concrete, and tangible result.

Apart from the utility requirement of 35 U.S.C 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer readable medium does not make the invention eligible for patenting. Thus, the claim invention as a whole must produce a "useful, concrete and tangible result".

Also, the claim methods do not meet the test of producing a useful, concrete, and tangible result, wherein the claim invention is subject to the test of *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically, *State Street* sets forth that the claimed invention must produce a "useful, concrete and tangible result".

In addition Claim 24 recites a computer readable medium that is defined in applicant specification, paragraph [0013], computer readable media may transmit or carry instructions to a computer, including a router, private or public network, or other transmission device or channel, bored wired and wireless. A medium transmitting or carrying instructions is not considered a process, machine, manufacture, nor composition of matter, is considered to be nonstatutory matter.

#### Claim Rejections – 35 U.S.C – 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10 and 15-33 are rejected under 35 U.S.C. 103(a) as being obvious over Vleet et al (US Publication No. 2005/0033803, hereinafter Vleet) in view of Kiessig et al. (US Publication No. 2004/0133544, Filing Date: August 1, 2003, hereinafter Kiessig).

Claims 1 and 24:

Regarding Claims 1 and 24, discloses a method/a computer readable medium containing program code utilizing the same functionality, wherein Vleet teaches a method/computer readable medium containing program code comprising:

providing a data store of stored events, wherein the events comprise user interactions with articles (see paragraphs [0023], wherein this reads on "the event history server provides a service for persistently recording and providing real time access to event data indicative of event that occur during browsing session of users and so forth," [0024], wherein this reads on " wherein at least some of the web applications supply personalized web page content based on user specific event data stored by the event history server, [0025], wherein this reads on "the web site system includes one or more web servers machines that receives and process request from user computers and or devices, wherein the processes running on the web server machines communicate with various web applications which may be implemented as web services, and paragraph [00026], wherein this reads on "the set of data stored by the event history server for a particular event is preferably stored as an "event object", wherein the event history server persistently stores event objects describing substantially every selection action or mouse click of every recognized user of the web site system and so forth, wherein overall this is equivalent to

"providing a data store of events, wherein the events comprise user interaction with articles", respectively, Vleet);

providing an index of the stored events, wherein the index is a part of the data store (paragraph [0026], wherein the event objects are preferably stored and index within the event history server, [0035], wherein each storage layer server is capable of storing and serving several years worth of event data and so forth", and [0037], respectively, wherein this is interpreted to be equivalent to "an index of stored events, wherein the index is part of the data store, Vleet);

Vleet discloses the following limitations above. However, Vleet does not disclose wherein identifying a desired portion of the data store for replication; nor does he disclose replicating the desired portion of the data store.

On the other hand, Kiessig does disclose identifying a desired portion of the data store for replication (paragraph [0056], wherein the volume manager may identify files with identical content, and link them together as deferred copies, thereby allowing the duplicate disk space to be freed, Kiessig); and replicating the desired portion of the data store (paragraph [0059], wherein a "show copies" option may be selected from the user interface 210, a window will then display a copy pedigree for a particular file, wherein such a copy pedigree may include all predecessor files, all descendant files, or some combination and as with versions any of the copies can be moved, opened, compared to other copies, or

otherwise manipulated without changing the content of the copy, and since information is stored about the timing of copies of all files, the volume manager 221 can provide a view of a folder hierarchy or an entire volume as of a given time., wherein this allows users to view the migration and evolution of a particular file as well as identify the source of the particular file, Kiessig).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Kiessig teachings into Vleet system. A skilled artisan would have been motivated to combine as suggest by Kiessig [paragraph [0006], paragraph [0009], and paragraph [0039]] for establishing an implementing an improved method for facilitating file management as it relates to copies of files and its relationship and use to other files as well as sharing and access control of files.

Claims 3 and 26:

Regarding Claims 3 and 26, the combination of Vleet in view of Kiessig (as modified) teaches wherein the index comprises a plurality of terms associated with the events (see page 5, table 1, wherein internal and web search query is defined, wherein internal search involves a search query submission for conducting an internal search such as a search for items in an electronic catalog, which involves a text of search terms entered by user and a web search query includes a search query submission for conducting a general web/internet search that is not limited in scope to any particular set of web sites, which



also involves a text search terms entered by user, wherein this is interpreted to be equivalent to "plurality of terms associated with the events", Vleet).

Claims 4 and 27:

Regarding Claims 4 and 27, the combination of Vleet in view of Kiessig (as modified) teaches wherein the index comprises one or a combination of one or more times, one or more types, one or more locations, one or more articles, or one or more user activities associated with the events (paragraph [0024], wherein an internet search engine site may include one or more search application enabling users to conduct keyword searches for an index of web pages, wherein this is interpreted to be equivalent to "one or more user activities associated with events", Vleet).

Claims 5 and 28:

Regarding Claims 5 and 28, the combination of Vleet in view of Kiessig (as modified) teaches wherein the articles comprise one or a combination of word processor documents, spreadsheet documents, presentation documents, emails, instant messenger messages, database entries, calendar entries, appointment entries, task manager entries, source code files, web pages, Portable Document Format (PDF) files, media files, audio files, or video files (paragraph [0072], wherein actions can also be programmed as one would in a spreadsheet, using JavaScript, Java, or Visual Basic; paragraph [0147], wherein a prefilter

first converts binary files, i.e., such as, for example, PDF files, Word files, etc., into a stream of words and then passes the stream onto the external indexing program, Kiessig).

Claims 6 and 29:

Regarding Claims 6 and 29, the combination of Vleet in view of Kiessig (as modified) teaches wherein the data store comprises a database (paragraph [0008], wherein the event stored for each recorded event is preferably stored within a database as an event object, Vleet).

Claims 7 and 30:

Regarding Claims 7 and 30, the combination of Vleet in view of Kiessig (as modified) teaches wherein the database comprises events (paragraph [0008], wherein the event stored for each recorded event is preferably stored within a database as an event object, wherein each object may for example include identifiers of the general event type, i.e., mouse, click, impression, etc, and type of display element involved, e.g., catalog item, browse node, search result item, etc, an event value, a timestamp indicating of the events date and time of occurrence, and associated context information, Vleet).

Claims 8 and 31:

Regarding Claims 8 and 31, the combination of Vleet in view of Kiessig (as modified) teaches wherein the data store comprises a repository (see abstract, wherein the server system includes a cache layer that caches event data by session ID, and includes a

persistent storage layer the persistently stores the event data by user ID, wherein the persistent storage layer is interpreted to be the data store comprising a repository, Vleet).

Claims 9 and 32:

Regarding Claims 9 and 32, the combination of Vleet in view of Kiessig (as modified) teaches wherein the repository comprises content associated with the articles (paragraph [0082], wherein this application may use event data retrieved from the event history server to generate context-sensitive toolbar messages for display to user, an so forth, Vleet).

Claims 10 and 33:

Regarding Claims 10 and 33, the combination of Vleet in view of Kiessig (as modified) teaches wherein identifying a desired portion of the data store comprises presenting a user with a graphical user interface (see abstract, wherein a graphical user interface to facilitate access to and use of such a system, Kiessig).

Claims 15 and 38:

Claims 15 and 38, the combination of Vleet in view of Kiessig (as modified) teaches determining a maximum size for a replicated portion of the data store (paragraph [0068], wherein sorted by size, modify time and certain other information, as in most file management systems, wherein the user can also configure the user interface 210 to display tag names and values associated with the files in a folder and when the folder

display is in this mode, the tags appear as column headings, and the tag values appear in those columns, wherein columns are equivalent to portion of the data store, Kiessig).

Claims 16 and 39:

Regarding Claims 16 and 39, the combination of Vleet in view of Kiessig (as modified) teaches wherein identifying a desired portion of the data store comprises determining recently accessed articles (paragraph [0075], wherein the bloom filter used by the cache layer to respond to queries reflects the most recent browsing activities of the relevant user, wherein this is interpreted to be equivalent to "determining recently access articles", Vleet).

Claims 17 and 40:

Regarding Claims 17 and 40, the combination of Vleet in view of Kiessig (as modified) teaches determining a checksum associated with the index and the repository (paragraph [0068], wherein items in folders can be sorted by their name, size, modify time and so forth and paragraph [0093], wherein disk adapter 504 implements system calls or "requests" and these requests include: "list" which is used to enumerate a folder; "stat" which gets information about a particular file such as size, type, etc, which is interpreted to be equivalent to "determining a checksum associated with the index and the repository", Kiessig).

Claims 18 and 41:

Regarding Claims 18 and 41, the combination of Vleet in view of Kiessig (as modified) teaches profile information associated with the desired portion, further comprising determining profile information associated with the desired portion (paragraph [0119], wherein the hash table allows the identification of all objects that have a particular tag associated with them as well as the identification of all tags associated with a particular object, Kiessig).

Claims 19 and 42:

Regarding Claims 19 and 42, the combination of Vleet in view of Kiessig (as modified) teaches wherein replicating the structure and content of the desired portion of the data store comprises indicating a read-only status (paragraph [0113], wherein attributes describe whether the file is frozen, read only, etc, Kiessig).

Claims 20 and 43:

Regarding Claims 20 and 43, the combination of Vleet in view of Kiessig (as modified) teaches wherein the desired portion of the data store is replicated to a removable data store (paragraph [0118], wherein entry may also include methods for manipulating revision lists, for setting tags, for removing tags, for copying tags to another entry, and for updating dynamic folders, Kiessig).

Claims 21 and 44:

Regarding Claims 21 and 44, the combination of Vleet in view of Kiessig (as modified) teaches wherein the data store is a local data store on a client device (paragraph [0070], wherein in case the client is disconnected or the server goes down and if a user wished to always have an item available, the "keep local" option is selected from the user interface and wherein a folder, all of that folder's contents, recursively, are affected when the "keep local" option is selected, Kiessig).

Claims 22 and 45:

Regarding Claims 22 and 45, the combination of Vleet in view of Kiessig (as modified) teaches wherein the desired portion of the data store is replicated to a second data store located on a network (paragraph [0176], wherein the file system creates a second slot that points to the existing entry, and thus the same stream and the following slots include name information and entries manage tags, and further, multiple slots can point to a single entry 534 and after the second slot is created, the file system, in effect, manages two names for the same underlying object, wherein the live copy command also attaches a trigger to the second slot, Kiessig).

Claims 23 and 46:

Regarding Claims 23 and 46, the combination of Vleet in view of Kiessig (as modified) teaches wherein the data store is a local data store on a client device (paragraph [0035], Kiessig).

Claim 47:

Regarding Claim 47, the combination of Vleet in view of Kiessig (as modified) discloses a method comprising:

providing a database of stored events, wherein the events comprise user interaction with articles on the client device, and wherein the articles are capable of being associated with at least one of a plurality of client applications (paragraphs [0023], [0024], [0025], and [0026], respectively, Vleet);

providing an index of the stored events (paragraphs [0026] and [0035], respectively, Vleet);

providing a repository of at least a portion of content associated with the articles (Refer to claim 9, wherein this limitation is substantially the same and therefore rejected under the same grounds, Vleet);

However Vleet does not disclose identifying a desired portion of the database, index, and repository by presenting a user with a graphical user interface; determining a checksum associated with the database, index, and repository; determining profile

information associated with the database, index, and repository; replicating the structure and content of the desired portion of the database, index; repository to create a replicated portion; and marking the replicated portion as read-only.

On the other hand, Kiessig does disclose identifying a desired portion of the database, index, and repository by presenting a user with a graphical user interface (Refer to claim 10, wherein this limitation is substantially the same and therefore rejected under the same grounds, Kiessig);

determining a checksum associated with the database, index, and repository;  
determining profile information associated with the database, index, and repository (Refer to claims 17 and 18, wherein this limitation is substantially the same and therefore rejected under the same grounds, Kiessig);

replicating the structure and content of the desired portion of the database, index (Refer to claim 19, wherein this limitation is substantially the same and therefore rejected under the same grounds, Kiessig), and repository to create a replicated portion (paragraph [0109], wherein object store creates a snapshot of the database that remains consistent until the end of that transaction (paragraph [0178] and Refer to claims 31, 40, and 41 wherein these limitation is substantially the same/similar, Kiessig); and

marking the replicated portion as read-only (paragraph [0117], wherein similar mechanism may provide for a copy history that records where this entry was copied to,



where it was copied from, etc and each entry may also include one or more attribute flags including a frozen attribute, a repository attribute, a free text indexer attribute, and a read only attribute, Kiessig).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Kiessig as discloses above for facilitating and categorizing information to improve the overall system performance.

9. Claims 11-14 and 34-37 are rejected under 35 U.S.C. 103(a) as being obvious over Vleet et al (US Publication No. 2005/0033803, hereinafter Vleet) in view of Kiessig et al. (US Publication No. 2004/0133544, Filing Date: August 1, 2003, hereinafter Kiessig), and further in view of Ryan et al. (US Patent No. 6,421,675, Patent Date: July 16, 2002).

Claims 11 and 34:

Regarding Claims 11 and 34, the combination of Vleet in view Kiessig (as modified) discloses all the limitation of claims 1-10 and 15-33, but does not disclose wherein identifying a desired portion of the data store comprises presenting a user with suggested events.

On the other hand, Ryan discloses wherein identifying a desired portion of the data store comprises presenting a user with suggested events (Figure 1A, diagrams 12 and 14, Ryan).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Ryan teachings into the combination of Vleet in view Kiessig system. A skilled artisan would have been motivated to combine the suggest by Ryan at [column 20, lines 20–26}, As a result of establishing quicker search mechanisms and quicker results.

Claims 12 and 35:

Regarding Claims 12 and 35, the combination of Vleet in view of Kiessig and further in view of Ryan, (as modified) teaches the claim limitation of “identifying a desired portion of the data store comprises identifying frequently accessed articles”, (column 12, lines 5–7, wherein table 2 is illustrating the frequency the URL, i.e. web page is visited, Ryan).

Claims 13 and 36:

Regarding Claims 13 and 36, the combination of Vleet in view of Kiessig and further in view of Ryan, (as modified) teaches the claim limitation of “identifying a desired portion of the data store comprise identifying articles relevant to a search query”, (column 6, lines 14–16; column 25, lines 17–15, Ryan).

Claims 14 and 37:

Regarding Claims 14 and 37, the combination of Vleet in view of Kiessig and further in view of Ryan, (as modified) teaches “identifying articles relevant to a search query

comprises extending a search query beyond initial search terms" (Figure 3A; all features, further defined in column 8, lines 47-49, Ryan).

#### Prior Art of Record

- |                  |                                   |
|------------------|-----------------------------------|
| 1. Kiessig et al | (US Publication No. 2004/0133544) |
| 2. Ryan et al    | (US Patent No. 6,421,675)         |
| 3. Vleet et al   | (US Publication No. 2005/0033803) |

**Point of Contact**

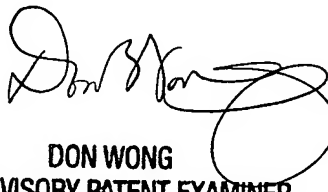
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749.

The examiner can normally be reached on 8:00am – 4:30pm Monday–Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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